

BILL NO. Z-80-03-26

ZONING MAP ORDINANCE NO. Z-19-80

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated a B1B District under the terms of Chapter 33, Muni-
cipal Code of the City of Fort Wayne, Indiana, 1974; and the
symbols of the City of Fort Wayne Zoning Map No. U-18, referred
to therein, established by Section 33-11, of said Chapter are
hereby changed accordingly, to wit:

Part of the East half of the Northeast Quarter
of Section 33, Township 31 North, Range 13 East,
in Allen County, Indiana, more particularly de-
scribed as follows:

Commencing at the Southeast corner of the East 1/2
of the Northeast 1/4 of Section 33, Township 31
North, Range 13 East, Allen County, Indiana; thence
West along the South line of said 1/4 section, 30.0
feet to a point on the West right of way line of
Maplecrest Road; thence North along the West right
of way line of Maplecrest Road and parallel to the
East line of the E 1/2 of the NE 1/4 of Sec. 33-31-
13, a distance of 150.0 feet to the point of be-
ginning for the tract of land herein described;
thence continuing North along the West right of way
line of Maplecrest Road and parallel to the East
line of said 1/4 section, a distance of 175.2 feet;
thence West by a deflection angle left of 90 degr.
a distance of 204.91 feet; thence Southeasterly by
a deflection angle left of 102 degr. 16 min. 45 sec.
a distance of 180.05 feet; thence East by a deflec-
tion angle left of 77 degr. 58 min. 15 sec. and
parallel to the South line of said 1/4 section, a
distance of 166.62 feet to the place of beginning,
containing 0.75 acres.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, approval by the Mayor
and legal publication thereof.


Councilman

Approved as to form and
legality March 14, 1980.


JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Eustach, seconded by Delaney, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 3-25-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eustach, seconded by Delaney, and duly adopted, placed on its passage. PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 6-24-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 3-19-80 on the 24th day of June, 19 80.

ATTEST: (SEAL)

Charles W. Westerman Theresa A. Schmidt
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 2nd day of July 19 80, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFELD C. MOSES, JR.
MAYOR

BILL NO. 2-80-03-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

6-24-80
DATE 6-24-80 CHARLES W. WESTERMAN, CITY CLERK / lee

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 25, 1980, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-80-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1980;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1980.

Certified and signed this
27th day of May 1980.



Joyce Schlatter
Secretary

RECEIPT

Date

March 4, 1980

No.

10934

Received From

H.B. Knapp & Company, Inc.

Address

1510 Lexington Avenue

Fifty

00/100

Dollars

\$ 50.00

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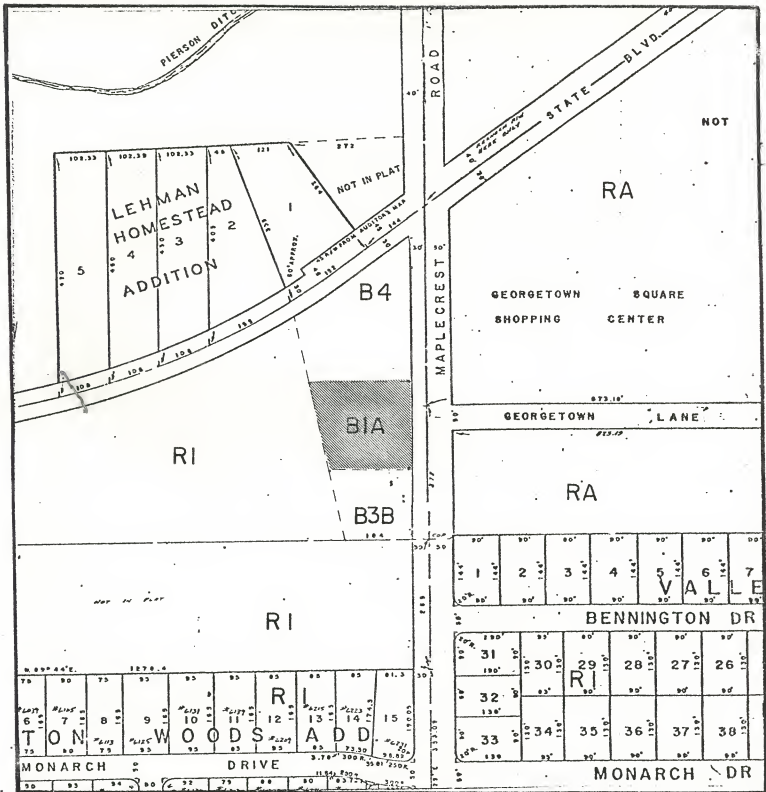
CHECK

BALANCE
DUEMONEY
ORDER

By

Pat B.

3306



REQUEST TO CHANGE FROM BIA TO BIB ZONING

Map No. U-18

Z-80-03-26





**Marathon
Oil Company**

Findlay Ohio 45840
Telephone 419/422 2121

May 15, 1980

Fort Wayne City Plan Commission
City-County Building
One Main Street
Fort Wayne, IN 46802

Attention: Mr. Cary F. Baeten,
Senior Planner

RE: Bill No. Z-80-03-26
Rezoning from "B-1-A"
to "B-1-B"

Dear Mr. Baeten:

Please be advised that our company will comply with the conditions attached to the "DO PASS" recommendation given by the City Plan Commission on the above-captioned ordinance. Accordingly, we do hereby agree to:

1. Install sufficient buffering along the west side of the property to protect adjacent uses; and
2. Restrict access to the property to one location.

Such conditions will be incorporated in the construction plans for the subject property.

Very truly yours,

MARATHON OIL COMPANY

W. E. Spears, Manager
Marketing Real Estate

WES:RJK:bsa

By/We MARATHON OIL COMPANY
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/~~xxx~~ B-1A District to a/~~an~~ B-1B District the property described as follows:

Part of the East half of the Northeast Quarter of Section 33, Township 31 North, Range 13 East, in Allen County, Indiana, more particularly described as follows:
Commencing at the Southeast corner of the East ½ of the Northeast ¼ of Section 33, Township 31 North, Range 13 East, Allen County, Indiana; thence West along the South line of said ¼ section, 30.0 feet to a point on the West right of way line of Maplecrest Road; thence North along the West right of way line of Maplecrest Road and parallel to the East line of the E½ of the NE¼ of Sec. 33-31-13, a distance of 150.0 feet to the (OVER)
(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

By/We, the undersigned, certify that xxxxxx we are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>MARATHON OIL COMPANY</u>	<u>P. O. Box 8067</u>	
<u>By: John Vanderploeg, Real Estate Representative</u>	<u>Fort Wayne, IN 46898</u>	<u>John Vanderploeg</u>
(Name)	(Address & Zip Code)	(Signature)

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.		
<u>John Vanderploeg</u>	<u>P. O. Box 8067</u>	
<u>(Name)</u>	<u>Fort Wayne, Indiana 46802</u>	<u>432-7559</u>
	<u>(Address & Zip code)</u>	<u>(Telephone Number)</u>

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning (continued)

point of beginning for the tract of land herein described; thence continuing North along the West right of way line of Maplecrest Road and parallel to the East line of said $\frac{1}{4}$ section, a distance of 175.2 feet; thence West by a deflection angle left of 90 degr. a distance of 204.91 feet; ~~thence West by a deflection angle left of 90 degr.~~
~~a distance of 204.91 feet;~~ thence Southeasterly by a deflection angle left of 102 degr. 16 min. 45 sec. a distance of 180.05 feet; thence East by a deflection angle left of 77 degr. 58 min. 15 sec. and parallel to the South line of said $\frac{1}{4}$ section, a distance of 166.62 feet to the place of beginning, containing 0.75 acres.

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address & Zip Code)	(Signature)

Zoning Ordinance Amendment

TITLE OF ORDINANCE

3-10-03-26

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A tract of land approximately 175' x 204', more or less,
containing 0.75 acres located approximately 300' south of East State Blvd., and
west of Maplecrest Road.

EFFECT OF PASSAGE Property is now zoned B-1-A - Limited Business. Property
will become B1B - Limited Business. (B1B allows uses with a higher generation
of traffic, density factor is higher, etc.)

EFFECT OF NON-PASSAGE Property will remain B1A - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

Regulations



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 May 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 28, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. Bill No. Z-80-03-26
2. From B-1-A to B-1-B
3. Intended Use: Not Given
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation with the following conditions:

- a. The property shall install sufficient buffering along the west side of the property to protect adjacent uses.
- b. The access to the property shall be restricted to one location.

NOTE: The petitioners have sent a letter of agreement to the above stated conditions. The letter is attached to the original ordinance and a copy is on file in the Plan Commission Office.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb

Attachments



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

July 3, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of July 8, 1980 and July 15, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for
Common Council of Fort Wayne, IN

Bill No. Z-80-03-26
Zoning Map Ordinance No. Z-19-80

Please send us six copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 24th day of June, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-80-03-26 -- Zoning Map Ordinance No. Z-19-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. U-18

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-80-03-26 -- Zoning Map Ordinance No. Z-19-80, was passed by the Common Council on the 24th day of June, 1980, said Ordinance was signed and approved by the Mayor on the 2nd day of July, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z-80-03-26 -- Zoning Map Ordinance No. Z-19-80 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. Z-80-03-26 -- Zoning Map Ordinance No. Z-19-80 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on July 8, 1980


Charles W. Westerman
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To.....JOURNAL-GAZETTE.....Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

51

2

53

COMPUTATION OF CHARGES

53.....lines, 1.....columns wide equals 53.....equivalent lines at .253¢.....\$ 13.41
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 4 extra 2.00

TOTAL AMOUNT OF CLAIM.

\$ 15.41

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type.....6.....point

Number of insertions.....2.....

Size of quad upon which type is cast.....6.....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.



Date July 16 19 80

Title.....CLERK.....

PUBLISHER'S AFFIDAVIT

State of Indiana
County SS:

lobby of the Downtown Fort Wayne
Public Library
(2) The bulletin board in the lobby
at the East door of the Allen County
Court House.

Copies of Bill No. Z-80-03-26 - Zon-
ing Map Ordinance No. Z-19-80 will
be available for reading in the fol-
lowing places in Fort Wayne, Allen
County, Indiana.

(1) Reference Room in the north
end of the main floor in said Down-
town Public Library

(2) The Journal of the Common
Council Proceedings in the Office of
the City Clerk of Fort Wayne, Indi-
ana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of
the City of Fort Wayne, Indiana, ful-
filled and posted the above ordi-
nances in the designated places as
stated on July 19, 1980.

CHARLES W. WESTERMAN
City Clerk

7-9-16

ATTACH
ADVERTISE

Notice is hereby given that on the
24th day of June, 1980, the Common
Council of the City of Fort Wayne, In-
diana, in Regular Session did pass
the following, Bill No. Z-80-03-26 -
Zoning Map Ordinance No. Z-19-80,
being AN ORDINANCE amending the
City of Fort Wayne Zoning Map
No. U-18.

I, Charles W. Westerman, Clerk of
the City of Fort Wayne, Indiana do
hereby certify that Bill No. Z-80-03-26
- Zoning Map Ordinance No. Z-19-
80, was passed by the Common Coun-
cil on the 24th day of June, 1980, said
Ordinance was signed and approved
by the Mayor on the 2nd day of July,
1980, and now remains on file and on
record in my office.

Copies of Bill No. Z-80-03-26 - Zon-
ing Map Ordinance No. Z-19-80 will
be posted for reading in the following
places in Fort Wayne, Allen County,
Indiana.

(1) The main floor lobby of the
City County Building
(2) The bulletin board in the

ally appeared before me, a notary public in and for said county and state, the
signed ARVILLA DEWALD who, being duly sworn, says
is CLERK of the

JOURNAL-GAZETTE

DAILY

newspaper of general circulation printed and published
English language in the city of FORT WAYNE, INDIANA
town

te and county aforesaid, and that the printed matter attached hereto is a true copy,
was duly published in said paper for two times, the dates of publication being

7/9 - 7/16/80

Subscribed and sworn to before me this 16 th day of July 19 80

My commission expires September 28, 1983



Notary Public

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla De Wald

Date July 16, 1980

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DE WALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

7/9 - 7/16/80

Subscribed and sworn to before me this 16th day of July 1980

My commission expires September 28, 1983

Notary Public

ATTACH
ADVERTIS

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. Z 80-03-26 - Zoning Map Ordinance No. Z 19-80, was passed by the Common Council on the 24th day of June, 1980, said Ordinance was signed and approved by the Mayor on the 2nd day of July, 1980, and now remains on file and on record in my office.

Copies of Bill No. Z 80-03-26 - Zoning Map Ordinance No. Z 19-80 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City County Building
- (2) The bulletin board in the

Fort Wayne Common Council

(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

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TOTAL AMOUNT OF CLAIM.

\$ 15.41

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type.....6.....point

Number of insertions 2

Size of quad upon which type is cast.....6.....

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roose

Date July 16, 1980

Title.....CLERK.....

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, D. Roose, who, being duly sworn, says that she is, CLERK of the

NEWS-SENTINEL

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

7/9 - 7/16/80

Subscribed and sworn to before me this 16 th day of July 19 80

My commission expires September 28, 1983

Notary Public

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(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copies of Bill No. Z-80-03-26 - Zoning Map Ordinance No. Z-19-80 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on July 8, 1980.

CHARLES W. WESTERMAN
City Clerk